

10/0801/22

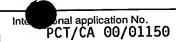
PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

	Notification of	Transmittal of International Search Report					
Applicant's or agent's file reference	FOR FURTHER see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.						
DH/12287.35	International filing date (day/month/year)	(Earliest) Priority Date (day/month/year)					
International application No.		28/09/1999					
PCT/CA 00/01150	28/09/2000	26/07/1777					
Applicant		1					
1 > TUO 1							
INFECTIO DIAGNOSTIC (I.D.I.) INC. et al.							
This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.							
This International Search Report consists of a total of sheets. It is also accompanied by a copy of each prior art document cited in this report.							
Basis of the report With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.							
the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)). b. With regard to any nucleois of the sequence disclosed in the international application, the international search							
I amend out on the pasis of the	IE SECOCIOO IISTI 3	nternational application, the international sealor					
contained in the internat	ional application in white in form.						
filed together with the in	ternational application in computer readable for	mı					
furnished subsequently	to this Authority in written form.	ļ					
T furnished subsequently	to this Authority in computer readble form.	does not go beyond the disclosure in the					
the statement that the s international application	the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the						
the statement that the in furnished	on as filed has been landshed. e information recorded in computer readable form is identical to the written sequence listing has been						
2. X Certain claims were fo	ound unsearchable (See Box I).						
3. X Unity of invention is la	acking (see Box II).						
4. With regard to the title,							
the text is approved as	submitted by the applicant.	1					
T the text has been estab	olished by this Authority to read as follows:	E PROBES AND PRIMERS FOR					
HIGHLY CONSERVED GEN DETECTION OF MICROC	ES AND THEIR USE TO GENERATI RGANISMS	E PROBES AND INCLUDES					
5. With regard to the abstract,							
the text is approved as submitted by the applicant. the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.							
6. The figure of the drawings to be p	oublished with the abstract is Figure No.	None of the figures.					
X as suggested by the a	e applicant.						
because the applicant failed to suggest a figure.							
because this figure be	etter characterizes the invention.						





Box I Observations where certain claims wer found uns archable (C ntinuation f it m 1 of first sh et)					
This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:					
1. Claims Nos.: because they relate to subject matter not required to be searched by this Authority, namely:					
2. X Claims Nos.: because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically: see FURTHER INFORMATION sheet PCT/ISA/210					
3. Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).					
Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)					
This International Searching Authority found multiple inventions in this international application, as follows:					
see additional sheet					
As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims. As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.					
2. As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.					
3. As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:					
4. X No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.: 1-44 (all partially)					
Remark in Protest The additional search fees were accompanied by the applicant's protest. No protest accompanied the payment of additional search fees.					

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.2

The present application relates to nucleic acids that can be used in the detection of microorganisms, the provision and use of said nucleic acids and products that are derived from the nucleic acids.

In view of the extraordinary amount of combinations of sequences in the claims, which render the regrouping of sequences almost impossible, in view of the large number of sequences claimed, and in view of the wording of the claims presently on file, which render it difficult, if not impossible, to determine the matter for which protection is sought, the present application fails to comply with the clarity and conciseness requirements of Article 6 PCT (see also Rule 6.1(a) PCT) to such an extent that a meaningful search for the claims as they stand is impossible.

Additionally, present claims 1-44 relate to an extremely large number of possible compositions, nucleic acids, and combinations of nucleic acids. Present claims4,5,8-10,22-31,33-43 relate to products defined by reference to a desirable characteristic or property, namely being obtainable by a method or being capable of hybridizing to a certain nucleic acid.

The claims cover all products having this characteristic or property, whereas the application provides support within the meaning of Article 6 PCT and/or disclosure within the meaning of Article 5 PCT for only a very limited number of such products. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Independent of the above reasoning, the claims also lack clarity (Article 6 PCT). An attempt is made to define the products by reference to a result to be achieved. Again, this lack of clarity in the present case is such as to render a meaningful search over the whole of the claimed scope impossible.

Notwithstanding the aforementioned, a search has been carried out for those parts of the claims which appear to be clear, supported and disclosed, namely nucleic acid sequence Seq. ID. No. 543 (see non-unity ISA form 206), methods relating to said sequence, the use of the sequence and the products derived from or defined by the sequence.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. Claims: 1-44 (all partially)

Invention 1:

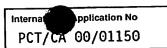
Nucleic acid molecule with Sequence ID No 543, methods for the provision of the nucleic acid, methods using the nucleic acid, use of the nucleic acid, compositions and sets containing the nucleic acid, and products derived from or defined by the nucleic acid.

2. Claims: 1-44 (all partially)

Invention 2-2297:

Nucleic acid molecule with Sequence ID No n, wherein n is chosen among 1-543 and 545-2297, methods for the provision of the nucleic acid, methods using the nucleic acid, use of the nucleic acid, compositions and sets containing the nucleic acid, and products derived from or defined by the nucleic acid.





A. CLASSIFI IPC 7	C12Q1/68 C07K14/00 C12N15/63	C12N05/10				
According to International Patent Classification (IPC) or to both national classification and IPC						
D. FIELDS	CEADCHED					
Minimum documentation searched (classification system followed by classification symbols) IPC 7 C12Q						
	ion searched other than minimum documentation to the extent that such	documents are included in the fields sea	rched			
Electronic da	ata base consulted during the international search (name of data base an	nd, where practical, search terms used)				
EPO-Internal, WPI Data, PAJ, SEQUENCE SEARCH, EMBL						
C DOCUME	ENTS CONSIDERED TO BE RELEVANT					
Category °	Citation of document, with indication, where appropriate, of the relevant	nt passages	Relevant to claim No.			
Х	WO 99 24059 A (MASSACHUSETTS INST TECHNOLOGY; AIRD WILLIAM C (US); EDELBERG JAY M) 20 May 1999 (1999-05-20) page 26, line 12		24			
х	WO 98 20157 A (BERGERON MICHEL G ;INFECTIO DIAGNOSTIC INC (CA); PICARD FRANCOIS J) 14 May 1998 (1998-05-14) the whole document		24			
☐ Fu	rther documents are listed in the continuation of box C.	X Patent family members are listed	in annex.			
 Special categories of cited documents: "A" document defining the general state of the art which is not considered to be of particular relevance "E" earlier document but published on or after the international filing date "L" document which may throw doubts on priority daim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) "O" document referring to an oral disclosure, use, exhibition or other means "D" document soublished prior to the international filing date but "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention "X" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such document is combined with one or more other such documents, such combination being obvious to a person skilled in the art. 						
late	r than the priority date claimed	Date of mailing of the international s				
Date of th	Date of the actual completion of the international season					
	17 January 2002	Authorized officer				
Name an	nd mailing address of the ISA European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	REUTER, U				

INTERNAMINAL SEARCH REPORT

Information on patent family members

Application No
PCT/CA 00/01150

Patent document cited in search report	Publication date	Patent family member(s)	Publication date		
WO 9924059 A	20-05-1999	AU 1454199 A WO 9924059 A1	31-05-1999 20-05-1999		
WO 9820157 A	14-05-1998	US 5994066 A AU 731850 B2 AU 4859897 A BR 9713494 A WO 9820157 A2 CN 1248295 A EP 0943009 A2 JP 2001504330 T NO 991976 A	30-11-1999 05-04-2001 29-05-1998 29-02-2000 14-05-1998 22-03-2000 22-09-1999 03-04-2001 02-07-1999		